

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

GREGORY HAAS, Plaintiff, VS. COMPONENT MANUFACTURING COMPANY, Defendant.	4:22-cv-4127 COMPLAINT (With Jury Trial Demanded)
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COMES NOW Gregory Haas, the Plaintiff named above, and for his Complaint against Defendant Component Manufacturing Company, states and alleges as follows:

JURISDICTION AND VENUE

1) This an employment retaliation action arising under Title VII of the Civil Rights Act of 1964 (“Title VII”), as amended, codified at 42 U.S.C. § 2000e et seq.

2) This Court has jurisdiction over Plaintiff’s employment retaliation claims pursuant to 28 U.S.C. §§ 1331 and 1343(a)(4).

3) Venue is proper in accordance with 28 U.S.C. § 1391(b).

4) Plaintiff timely filed a Charge of Discrimination with the EEOC and he received his Notice of Right to Sue from the Agency on or about June 17, 2022.

THE PARTIES

5) Plaintiff Gregory Haas (“Haas”) is an adult resident of Sioux Falls, South Dakota.

6) Component Manufacturing Company (“Component”) is a family-owned South Dakota corporation located in Sioux Falls, South Dakota. Component manufactures trusses,

floor and wall systems for residential and commercial construction projects.

7) Component is an employer within the meaning of Title VII.

8) Component employs more than 100 employees.

9) At all times relevant, Component employed Haas until his termination on November 30, 2021.

10) Component has admitted that Haas is a member of a protected group.

GENERAL ALLEGATIONS

11) Component hired Haas in 2006. Haas has primarily worked as a truss designer during his employment.

12) For the next 15 years, Haas performed his work duties in a manner that met his employer's expectations.

13) In 2018, Ben Specht became Haas' direct supervisor.

14) At his final yearly performance evaluation in September 21, 2021, Haas received a raise and 160 hours of paid time off because of his performance.

15) Component instructs its employees that "sex -based offensive conduct" includes "communication of a sexual or gender-biased nature when...[t]hat conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or creating an intimidating, hostile or offensive employment environment."

16) Component instructs its employees that "sexual harassment" includes but is not limited to "unwelcome verbal remarks, jokes or innuendos of a sexual nature or based upon gender."

17) Component instructs its employees that "[a]ny employee who has been the

victim of or who has witnessed employment-related discrimination, harassment or offensive conduct, or inappropriate actions, words, jokes or comments, by another employee... should promptly report the matter to their immediate supervisor. If their immediate supervisor is unavailable or the employee believes it would be inappropriate to contact their immediate supervisor, the employee should immediately contact Human Resources.”

18) Component instructs its employees that “[a]ny complaint of harassment, discrimination or offensive conduct will be investigated in a thorough manner, after which timely and appropriate action will be taken.”

19) Component further instructs its employees that “[n]o retaliation in any form will be allowed against an employee who reports an incident of sexual harassment, harassment or threats of violence.”

20) In 2021, Haas repeatedly complained that a Component salesperson named Tyler Johnson was using sexually-oriented, harassing language in his communications with Haas.

21) When Haas asked Johnson to cease his offensive comments, Johnson doubled down and increased his use of the word “fuck” and other vulgar words in his communications with Haas.

22) Haas believed in good faith that Johnson’s sexually offensive, harassing language was a violation of Component’s sexual harassment policy.

23) Haas complained to Specht about Johnson’s vulgar and offensive language in compliance with Component’s written policies and procedures about sex-based offensive conduct.

24) On November 24, 2021, Haas was on a phone call with Tyler Johnson who

again directed “the f-word” at Haas during the call. Haas asked Johnson to cease the vulgar language and cursing, to which Johnson replied, “I didn’t know you were so sensitive!” and hung up on Haas, preventing Haas from completing his work task. Haas reported Johnson’s vulgar language and interference with Haas’ ability to complete his work to Ben Specht.

25) Component did not investigate Haas’ sexual harassment complaint.

26) Specht’s only response to Haas’ sexual harassment complaint was to tell Haas to try to limit his contact with Johnson even though this suggestion made Haas’ job more difficult to complete.

27) On the morning of November 26, 2021, Haas emailed Specht to express that he was upset that Specht had not taken his report seriously. Haas wrote: “After letting yet another phone call with [Johnson] resulting in unnecessary verbal language, harassment and dis-respect seem to go un-noticed or remedied, I am requesting the next step I would need to take regarding a formal complaint through Human Resources and upper management/ownership if required.”

28) Haas received no response or follow up from Specht or anyone else in Component management.

29) Component did not investigate Haas’ sexual harassment complaint.

30) On the morning of November 30, 2021, Haas resent a copy of his November 26, 2021 email to Specht, asking: “Is this being addressed? And what has happened or will be happening?”

31) Within an hour of sending the November 30, 2021 email, Haas received a phone call from Specht who told Haas that Haas was being “let go” by company ownership. Specht’s termination call with Haas took less than two minutes.

32) Haas then called Component's Human Resources manager, Andy Brehm, to ask about what would happen to his family health and dental insurance and his remaining PTO. Brehm responded that he would have to call Haas back because Brehm did not know that Haas was being terminated.

33) When Haas filed for unemployment benefits with the State of South Dakota, Component misrepresented to the state agency that Haas was terminated for poor performance.

COUNT I: VIOLATION OF TITLE VII
(Retaliation Discrimination)

47) Plaintiff incorporates the paragraphs above by reference.

48) Title VII, at 42 U.S.C. 2000e-3(a) provides in relevant part that it is an unlawful employment practice for an employer to discriminate against any employees, or to discriminate against any individual because he has opposed any practice made an unlawful employment practice by Title VII, or because he has made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing governed by Title VII.

49) As described above, Plaintiff was terminated within four days after reporting continuing offensive language and harassment by a co-worker, and within hours after requesting that the matter be investigated and addressed.

50) Haas was terminated in retaliation for his opposition to and complaint about sexually harassing conduct in violation of 42 U.S.C. 2000e-3.

51) As a direct and proximate result of the Defendants' unlawful conduct, Plaintiff has suffered a loss of past and future income and employment-related benefits, mental anguish, emotional distress, personal injuries related to emotional distress, humiliation,

embarrassment, loss of reputation, and other damages in excess of \$75,000.

52) Defendants' violations of Title VII were willful and intentional, and done with reckless or deliberate rights for Plaintiff's federally protected rights.


REQUESTS FOR RELIEF

Plaintiff Greg Haas requests and prays for judgment against the above-named Defendant as follows:

- 1) For all damages allowable, including monetary damages sufficient to compensate Plaintiff for all special and general damages, as allowed by Title VII;
- 2) For all of Plaintiff's reasonable attorney fees, costs, disbursements, and expenses incurred in the pursuit of this matter as allowed by law;
- 3) For punitive damages if allowed by law;
- 4) For a trial by jury; and
- 5) For such other and further equitable relief as the Court may deem just and appropriate.

Dated this 14th day of September, 2022.

**JOHNSON POCHOP & BARTLING
LAW OFFICE LLP**



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Attorney for Plaintiff Gregory Haas

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Gregory Haas

(b) County of Residence of First Listed Plaintiff Minnehaha County, SD
(EXCEPT IN U.S. PLAINTIFF CASES)(c) Attorneys (Firm Name, Address, and Telephone Number)
Stephanie E. Pochop | Johnson Pochop & Bartling
405 Main Street | PO Box 149 Gregory, SD 57533 (605) 835-8391**DEFENDANTS**

Component Manufacturing Company

County of Residence of First Listed Defendant Minnehaha County, SD
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 42 USC § 2000e et seq. (Title VIII of the Civil Rights Act of 1964, as amended) *****

Brief description of cause:
 Employment Discrimination and Retaliation

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ 75,000+

CHECK YES only if demanded in complaint:
 JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE